

REMARKS

Claims 1 – 9 remain pending in this application.

According to the Office Action, claim 6 is rejected under 35 USC 101. In response, claim 1 is amended to fully comply with 35 USC 101. Withdrawal of the rejection is respectfully requested.

Further according to the Office Action, claims 1 – 9 are rejected under 35 USC 102(b) as being anticipated by Inoue et al. US 2003/0023348, (hereinafter Inoue). In response, the rejections are respectfully traversed.

In order for a reference to anticipate a claim, MPEP 2131 requires the reference to teach every element of the claim. It is respectfully submitted that Inoue does not teach each and every element of the Applicant's claim 1 and, therefore, does not support the anticipation rejection, either legally or factually.

More specifically, Inoue fails to teach or suggest, among other things, Applicant's feature of "determining a second part of the new animation on the basis of a second part of the second animation," as recited in claim 1. In rejecting Applicant's independent claims 1 and 7 – 9 the examiner refers to Inoue's paragraphs [0061-0070], [0081-0089] and [0153-0157]. However, it is believed that those paragraphs don't teach or suggest the above-mentioned feature of Applicant's claim 1.

According to those paragraphs, Inoue discloses that when a robot is instructed to change its position from a first position to a second position, the robot does not directly change to the second position from the first position, but it transits through certain (intermediate) states if the transition to the second position is not possible. As shown in FIG. 3 of the patent, the contents of data processing performed by the controller 32 is functionally sectioned into a feeling/instinct model part 40 as a feeling/instinct model change means, an action determination mechanism part 41 as an action determination means, a position transit mechanism part 42 as a position transit means, and a control mechanism part 43. The robot determines a next motion (action) based on the feeling/instinct using the above-described mechanisms of the controller 32, prepares a transit plan until the motion (action) is executed, lets the position transit according to the transit plan, and executes the motion (action) based on the feeling/instinct.

Further according to the patent, the position transit mechanism part 42 generates information for transiting to an aimed position or aimed motion. Specifically, the position transit

mechanism part 42 generates position transit information S18 for letting the current position or motion to a next position or motion (an aimed position or motion), based on the action command information S16 supplied from the action determination mechanism part 41, as shown in FIG. 3. The part 42 then sends the information to the control mechanism part 43. For example, the robot apparatus 1 cannot directly transit to a position according to the contents of a command (action command information S16) in some cases. This is because the positions of the robot are classified into the type of positions to which the robot can transit directly from the current position, and the type of positions to which it cannot transit directly from the current position but can transit through a certain motion or position.

Clearly, Inoue does not separate the robot's new position into a first part and a second part. Instead, Inoue defines intermediate positions through which the robot needs to transit in order to get to its final position. However, this is completely different from Applicant's feature of determining a second part of the new animation on the basis of a second part of the second animation, as recited in claim 1, for example. That is, Inoue's discrete states through which its robot has to transition are not equivalent to Applicant's first and second part of a new animation. Inoue is completely silent on such feature, as recited in claim 1.

If the examiner maintains the rejections, it is respectfully requested that he specifically point out the alleged correspondence between Inoue and Applicant's claimed limitation.

As Inoue does not disclose all limitations in the claim, it is respectfully submitted that this prior art reference does not support the anticipation rejection. As such, the rejection of independent claim 1 under 35 U.S.C. 102(b) is unfounded and should be withdrawn.

Claim 7 – 9, although separate and distinct from claim 1, contain similar limitations as discussed hereinabove, and the above argument equally applies thereto. Hence, withdrawal of the rejection of claims 7 – 9 is also warranted.

Dependent claims 2 – 6 depend, either directly or indirectly, from independent claim 1, which has been shown to be allowable over the prior art reference. Accordingly, these claims are also allowable by virtue of their dependency from the allowable base claim, as well as the additional features recited therein. It is respectfully submitted that the reason for the rejection of claims 2 – 6 has been overcome. Withdrawal of the rejection and allowance of those claims are warranted.

In view of the above withdrawal of the rejections and early allowance of the claims are respectfully requested.

An earnest effort has been made to be fully responsive to the examiner's correspondence and advance the prosecution of this case. In view of the above amendments and remarks, it is believed that the present application is in condition for allowance, and an early notice thereof is earnestly solicited.

Please charge any additional fees associated with this application to Deposit Account No. 14-1270.

Respectfully submitted,

/Brian S. Myers/
By: Brian S. Myers
Registration No.: 46,947
973-401-7157